

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY
AUGUST 17, 2009 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on August 17, 2009 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Kathy McMillan
Councilwoman, Ward II

Janie Milum
Councilwoman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Blair, McMillan, Roberts, Milum, Lewis
ABSENT: Krows, Cavnar

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Clerk, Jim Corbett; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management and Communications Director, Gayland Kitch; Fire Chief, Charles Stephens; Manager of Information Technology, David Thompson; Acting Parks & Recreation Director, Chris Villani; Risk Manager, Gary Benefield; Police Chief, Ted Williams; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 3, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$1,375,825.22.

Councilman Roberts moved to approve the consent docket in its entirety, second by Councilwoman Milum. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

Agenda Item Number 3 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH SHADY CREEK PROPERTIES, LTD., LLC REGARDING THE DONATION OF REAL PROPERTY LOCATED AT 2900 S. SUNNYLANE TO THE CITY OF MOORE FOR THE PURPOSE OF CONSTRUCTING A FIRE STATION AT THIS LOCATION.

Stan Drake, Assistant City Manager, stated that the subject property was located ¼ mile north of SE 34th Street on Sunnyslane. Mr. Drake advised that Shady Creek Properties agreed under the proposed agreement to donate the property for the construction of a new fire station. Under the agreement the property owner requested that the City relocate his mailbox and move an electric gate that must be removed during the course of the construction. The owner also requested that a plaque to be erected in the lobby of the fire station recognizing the contribution made by the family. Mr. Drake indicated that these items are the only things unique to the normal construction process contained in the contract.

Mayor Lewis expressed his appreciation to the property owner for the donation of the property. He then asked for an update on the SE 34th Street Bridge. Mr. Drake stated that the bridge was complete; however, the road was not yet open due to road construction. He added that asphalt was scheduled to be laid the first of next week and the road open to traffic by the end of the week. Mayor Lewis asked if this was an add-alternate project for the stimulus funds. Mr. Eddy reminded everyone that the City was unable to get stimulus grant funds approved for the Telephone Road project and staff planned to substitute asphalt overlay projects on Bryant between S. 4th and N. 27th, 34th Street between Bryant and Sunnyslane, and on SE 34th between Sunnyslane and Sooner Road, assuming there was available funding. Mr. Eddy confirmed that the add-alternate project that was selected was the mile between Sooner and Sunnyslane that was being discussed. Mayor Lewis commented that he understood the County Commissioners had agreed to participate on the project by providing labor if the City would supply the materials. Mr. Eddy stated that the County did agree to participate on the project; however, the County's assistance would not be necessary if the project was approved for stimulus funds.

Councilman Roberts moved to approval of an agreement with Shady Creek Properties, Ltd., LLC regarding the donation of real property located at 2900 S. Sunnyslane to the City of Moore for the purpose of constructing a fire station at this location, second by Councilwoman McMillan. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

Agenda Item Number 4 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH TERRACON CONSULTANTS, INC. FOR GEOTECHNICAL ENGINEERING SERVICES FOR THE PUBLIC SAFETY CENTER ARCHITECTURAL DESIGN IN THE AMOUNT OF \$6,000.

Steve Eddy, City Manager, advised that geotechnical engineering services are required for new building construction. The proposed agreement with Terracon Consultants in the amount of \$6,000 is for geotechnical engineering services for the new police station/public safety center/municipal courts facility to be constructed at Main and Broadway.

Councilman Roberts moved to approve an agreement with Terracon Consultants, Inc. for geotechnical engineering services for the Public Safety Center architectural design in the amount of \$6,000, second by Councilwoman Milum. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A PROJECT AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR THE WIDENING AND RECONSTRUCTION OF S. SANTA FE AVENUE, BETWEEN SW 19TH STREET AND SW 4TH STREET, IN THE TOTAL AMOUNT OF \$6,286,750, WITH THE CITY'S 20% LOCAL SHARE IN THE AMOUNT OF \$1,573,950.

Mayor Lewis indicated that new numbers were submitted for the agenda item. The total construction cost for the widening and reconstruction of S. Santa Fe Avenue between SW 19th and SW 4th should be \$5,773,945.29 with the City's 20% match being \$1,154,789. Steve Eddy, City Manager, indicated that the cost of relocating an Oklahoma City water line was inadvertently included in the total cost for the project; however, Oklahoma City will bear the cost of moving the line. Mayor Lewis asked when the project would be let. Elizabeth Jones, Community Development Director, indicated that the bid date was set for October with an anticipated start date in December 2009 or January 2010.

Councilman Roberts moved to approve a project agreement with the Oklahoma Department of Transportation for the widening and reconstruction of S. Santa Fe Avenue, between SW 19th Street and SW 4th Street, in the total amount of \$5,773,945.29, with the City's 20% local share in the amount of \$1,154,789, second by Councilwoman McMillan. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

Agenda Item Number 6 being:

CONSIDER APPROVAL OF A CONTRACT WITH CHAINSAW SCULPTURES BY COSS IN AN AMOUNT NOT TO EXCEED \$14,000 FOR CONSTRUCTION OF WOODEN SCULPTURES TO BE LOCATED AT VETERANS MEMORIAL PARK.

Stan Drake, Assistant City Manager, presented a rendering by CLS and Associates, who prepared the original design of the memorial at Veterans Park, of four wooden sculptures of soldiers to be located at Veterans Memorial Park. Mr. Drake stated that dead trees located at the park would be used for the material. The sculptures would be scaled to 80% of life size and would include World War II, Korean, Vietnam, and Desert Storm soldiers. Funds for the project have been budgeted in the amount of \$14,000. Mr. Drake added that the sculptures would be located near the entrance of the memorial.

Councilman Blair moved to approve a contract with Chainsaw Sculptures by Coss in an amount not to exceed \$14,000 for construction of wooden sculptures to be located at Veterans Memorial Park, second by Councilwoman Milum. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

Addendum Item Number 6.1 being:

CONSIDER RESOLUTION NO. 683(09) EXPRESSING SUPPORT FOR AN APPLICATION FOR "TIGER" GRANT FUNDS FROM THE U.S. DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING ACOG TO SUBMIT SAID GRANT APPLICATION ON THE CITY'S BEHALF.

Councilman Roberts moved to approve Resolution No. 683(09), second by Councilwoman McMillan. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

Addendum Item Number 6.2 being:

CONSIDER APPROVAL OF CHANGE ORDER NO. 1 (BID NO. 089-004, PACKAGE NO. 15) IN THE AMOUNT OF \$1,500 TO BINSWANGER GLASS COMPANY TO ADD CLEAR COAT TO MATCH KALWALL BANNER RED TO FIRE STATION NO. 1 AS REQUESTED BY ARCHITECT. MANAGEMENT

Stan Drake, Assistant City Manager, stated that the addition of clear coat to Fire Station 1 would eliminate maintenance of the trim along the exterior windows.

Councilwoman Milum moved to approve Change Order No. 1 (Bid No. 089-004, Package No. 15) in the amount of \$1,500 to Binswanger Glass Company to add clear coat to match Kalwall Banner Red to Fire Station No. 1 as requested by Architect, second by Councilman Roberts. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

THE CITY COUNCIL MEETING WAS RECESSED AND MOORE PUBLIC WORKS AUTHORITY MEETING CONVENED AT 6:45 P.M.

Agenda Item Number 7 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD AUGUST 3, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$973,865.38.

Trustee McMillan moved to approve the consent docket in its entirety, second by Trustee Roberts. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

Agenda Item Number 8 being:

CONSIDER AWARDING BID NO. 910-001 "REGENCY PARK SANITARY SEWER REPLACEMENT PROJECT, PHASE III, CDBG NO. 13433-08" TO JORDAN CONTRACTOR'S, INC. IN THE AMOUNT OF \$97,661.

Elizabeth Jones, Community Development Director, recommended awarding Bid No. 910-001 for the Regency Park Sanitary Sewer Replacement Project to Jordan Contractor's, Inc. in the amount of \$97,661. Ms. Jones stated that the project came in well below the engineer's estimate of \$200,000. The project was to be funded by CDBG funds with a one to one City match of \$100,000. However, the bid came in lower than anticipated with a contract price of \$97,661 making the City's matching funds just under \$50,000.

Trustee Milum moved to award Bid No. 910-001 "Regency Park Sanitary Sewer Replacement Project, Phase III, CDBG No. 13433-08" to Jordan Contractor's, Inc. in the amount of \$97,661, second by Trustee McMillan. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING CONVENED AT 6:47 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD AUGUST 3, 2009.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2009-2010 IN THE AMOUNT OF \$133,559.07.

Trustee Roberts moved to approve the consent docket in its entirety, second by Trustee McMillan. Motion carried unanimously.

Ayes: Blair, McMillan, Roberts, Milum, Lewis
Nays: None
Absent: Krows, Cavnar

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRMAN DAVID ROBERTS PRESIDING AT 6:48 P.M.

Agenda Item Number 10 being:

ROLL CALL

PRESENT: Blair, McMillan, Lewis, Milum, Roberts
ABSENT: Krows, Cavnar

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD JULY 20, 2009.

Trustee Lewis moved to approve the consent docket in its entirety, second by Trustee McMillan. Motion carried unanimously.

Ayes: Blair, McMillan, Lewis, Milum, Roberts
Nays: None
Absent: Krows, Cavnar

Agenda Item Number 12 being:

DIRECTOR'S REPORT

Deidre Ebrey, Economic Development Director, advised of the following items:

- New retailers in The Shops at Moore include Rue 21, Sally Beauty Supply, and Ooh La La. Grand opening for Hobby Lobby set for April 2010. In talks with a Mongolian Stir Fry restaurant called Genghis Grill. An additional 12,000 square feet will be available in 90 days for lease.
- The Riverwalk area will include a new retail jewelry store. Russell Stover's old building will re-open as Poblano Grill.
- Gave an interview to The Oklahoman about the brisk shopping business in Moore while the economic situation has caused business closures in neighboring cities.
- Receiving calls from commercial brokers wanting office and higher end executive suite space.
- Activity occurring regarding the 18 acres south of Gordman's.
- City redesigning business cards but keeping the City seal.
- Intranet for employee access only will be up and running soon.
- Will speak to the Oklahoma Municipal League regarding the City's website.
- Report to Citizens will go to the printers the end of the week. Copies may be obtained at City Hall or as a download on-line.
- The first 5K Run will be held August 29, 2009 and is organized by the Moore High School and Westmoore High School Alumni Associations with around 100 runners pre-registered. Benefits will go to the scholarship programs for each association.
- The revamped newsletter will go out monthly in the water bill. It will start in September for October activities. Need feedback from citizens regarding what information they would like to see in the newsletter.

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:55 PM:

Agenda Item Number 13 being:

NEW BUSINESS:

- A) CITIZENS' FORUM FOR ITEMS NOT ON THE AGENDA.

Scott Carter, 11232 Davis Court, stated that for the past 3½ years he has covered the City of Moore as a reporter for the Norman Transcript. He watched the City Council make great decisions and, although he has not agreed with every one of them, he has been impressed. Mr. Carter announced his resignation from the Moore American/Norman Transcript and advised that he would be reporting for another Oklahoma City publication. However, he wanted to thank the City Council and tell them how much he respected the work that they did. He stated that on more than one occasion he had seen Moore do things that other cities haven't. Mr. Carter stated that although he has asked some tough questions he has never had his requests for information denied. Regardless of how big the request it was always made available to him. From a reporter's perspective there are very few City officials that do that. Usually it requires a formal request under the Open Records Act or the Open Meetings Act. He felt that the City's openness and transparency was something to be proud of. Mr. Carter said goodbye and wished the City good luck. He added that he would be checking on us from time to time and thanked everyone for their friendship, making themselves available to him, and for doing a good job.

Michael Paul, 941 NE 30th Street, presented the City Council with photographs and a petition requesting the City to abate a public nuisance located behind the Gabriel's Crossing Addition at 27th and Eastern. Mr. Paul indicated that when he purchased his home the area behind his house overlooked an open field and a golf course. However, a few months ago they noticed wrecked vehicles stored behind their homes at Cowpoke Wrecker Service. They called Code Enforcement to express their concerns ranging from drainage issues that resulted in fluids from the cars entering their property to the attraction of rodents. However, the City claimed that vehicle storage against a residential neighborhood was legal. The neighbors researched the Land Development Code and City Ordinances and reached the conclusion that a petition was the best way to request action regarding the problem. Mr. Paul felt there was a disparity between the City's stated goals and policies towards property values and its action regarding Gabriel's Crossings' complaints. Mr. Paul felt that property values had deteriorated due to Cowpokes proximity. The submitted petition was an attempt to improve zoning regulations and enforce the ones already in place. The City's stance that ½ inch spruce trees can separate a Heavy Commercial Zoning District from a Single-Family Residential area is unacceptable. A number of the neighborhood's fences have been damaged by vehicles in the yard and their privacy had been violated by way of auto salvage auctions. They have even witnessed intruders entering the neighborhood in an attempt to climb Cowpokes' fences. Mr. Paul indicated that Gabriel's Crossing is petitioning the City to order Cowpoke Wrecker Service to cease and desist operation of a wrecker service/salvage yard on property zoned C-5 Heavy Commercial. Revoke any permit approved under Section 8-403 of the City Code. Require the removal and continued prohibition of all vehicles stored outside in order to abate the public nuisance. He stated that an acceptable alternative would be to rezone the parcel of land as I-3 Heavy Industrial. Require Cowpoke Wrecker Service to erect a sight-proof fence around the perimeter of all vehicles stored outdoors in accordance with Section 12-386 of the Land Development Code. Require an acceptable sealed surface built in accordance with any permits authorized under Section 8-403 and in accordance with any DEQ/EPA regulations concerning runoff into adjacent residential areas. Steve Eddy, City Manager, stated that staff would look into the complaint and see what could be done. He advised that Cowpoke Wrecker Service was there before Gabriel's Crossing was constructed. However, since there are competing interests City staff will research the situation to determine whether Cowpokes was following City code requirements regarding the operation of a wrecker/storage facility and report back to the City Council by the September 8, 2009 meeting.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilwoman McMillan stated that she received a complaint regarding the Big Trash service. She indicated that this was a new program and the City would re-evaluate it after a full sweep of the City had been made. Steve Eddy, City Manager, indicated that by the end of August a full pass of the City will have occurred. In September crews will go back to the first route in the southwest quadrant of the City and begin picking up trash there again. This will be a good indication of what to expect. The City anticipates

the trash piles being measurably smaller. After another pass of the City has been completed and a comparison can be made between the first and second passes, decisions can be made about the future of the program. Mr. Eddy stated that the City was receiving a few complaints but citizens overall appear happy to have three free pickups as opposed to one, although the unsightly piles are unappealing to them.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, advised the City Council of the following items:

- July financial report available for review. The General Fund looks much better than last month.
- Anticipate the contractor being finished with the structural repairs that needed to be made to the existing portion of the 19th Street Bridge project by the end of this week or the first of next week and the additional turn lane open and striped.

Agenda Item Number 14 being:

ADJOURNMENT

Councilwoman McMillan moved to adjourn the City Council meeting, second by Councilman Roberts. Motion carried unanimously.

Ayes: Blair, McMillan, Lewis, Milum, Roberts
Nays: None
Absent: Krows, Cavnar

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:07 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

JANIE MILUM, MPWA Secretary

FOR:

KATHY MCMILLAN, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2009.

ATTEST:

JIM CORBETT, City Clerk